

AO88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the
UNITED STATES DISTRICT COURT

DISTRICT OF Massachusetts

Michael Watson, Individually and
as father and next friend of John Watson,
V.

SUBPOENA IN A CIVIL CASE
Duces Tecum

Partner Industrial Products,

Case Number:¹ 04-11782-DPW

TO: The Keeper of the Records
AIG Claims Services
99 High Street
Boston, MA 02110

☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION
Finneran, Byrne & Drechsler, LLP, 50 Redfield Street,
Boston, MA 02122

DATE AND TIME
Monday, November 1, 2004
at 10:00 a.m.

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):
See Attached Schedule "A."

PLACE
Finneran, Byrne & Drechsler, LLP, 50 Redfield Street,
Boston, MA 02122

DATE AND TIME
Monday, November 1, 2004
at 10:00 a.m.

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

September 30, 2004

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Jonathan E. Tobin, Esq. 50 Redfield Street,
Finneran, Byrne & Drechsler, LLP Boston, MA 02122

(617) 265-3900

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on next page)

¹ If action is pending in district other than

RETURN OF SERVICE (3)

RECEIVED BY SERVER	DATE September 30, 2004	PLACE Boston, Massachusetts
SERVED	DATE October 01, 2004	PLACE 99 HIGH STREET, BOSTON, Massachusetts
SERVED ON (NAME) MS. GORETE BARROS, RECEPTIONIST AND DULY AUTHORIZED AGENT		FEES TENDERED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO AMOUNT \$ _____ <input type="checkbox"/> Advanced By Attorney
SERVED BY BURTON M. MALKOFSKY		TITLE Process Server and a Disinterested Person

STATEMENT OF SERVICE FEES

	SERVICE FEE	TOTAL
	\$ <u>24.00</u> _____ Trips	\$ <u>24.00</u>

DECLARATION OF SERVER (4)

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on October 01, 2004
Date

Signature of Server

One Devonshire Place, Boston, Massachusetts

Address of Server

ADDITIONAL INFORMATION

PLEASE NOTE THAT IT WAS NECESSARY TO MAKE _____ ATTEMPTS BEFORE MAKING PROPER SERVICE.

Date	Time	Remarks
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FEE

\$ _____
\$ _____
\$ _____
\$ _____
\$ _____
\$ _____
\$ _____

TOTAL

(3) As to who may serve a subpoena and the manner of its service see Rule 17(d), Federal Rules of Criminal Procedure, of Rule 45(c), Federal Rules of Civil Procedure.

(4) "fees and mileage need not be tendered to the deponent upon service of a subpoena issued on behalf of the United States or an officer or agency thereof (Rule 45(c), Federal Rules of Civil Procedure; Rule 17(d), Federal Rules of Criminal Procedure) or on behalf of certain indigent parties and criminal defendants who are unable to pay such costs (28 USC 1825, Rule 17(b) Federal Rules of Criminal Procedure)"

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MICHAEL WATSON, INDIVIDUALLY, AND
AS FATHER AND NEXT FRIEND OF JOHN
WATSON,

Plaintiffs,

v.

PARTNER INDUSTRIAL PRODUCTS,

Defendant.

CIVIL ACTION
NO: 04-11782 DPW

NOTICE OF TAKING DEPOSITION

TO: David Barry, Esq.
Sugarman, Rogers, Barshak & Cohen, P.C.
101 Merrimac Street
Boston, MA 02114

Please take notice that at **10:00 a.m.**, on **Monday, November 1, 2004**, at the offices of Jonathan E. Tobin, Esq., FINNERAN, BYRNE & DRECHSLER, L.L.P., Eastern Harbor Office Park, 50 Redfield Street, Boston, MA, the Plaintiff in this action, by his attorney, will take the deposition upon oral examination of **the Keeper of the Records, AIG Claims Services**, pursuant to the applicable provisions of the Massachusetts Rules of Civil Procedure, before O'Brien & Levine Court Reporting Services, Notary Public in and for the Commonwealth of Massachusetts, or before some other officer authorized by law to administer oaths. The oral examination will continue from day to day until completed.

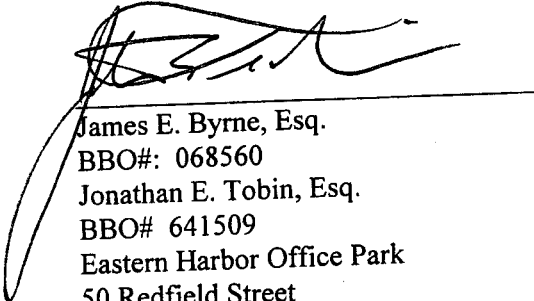
The Deponent is further directed to bring the items listed on the attached Schedule "A."

You are invited to attend and cross-examine.

**TESTIMONY WILL NOT BE TAKEN AS LONG AS THE REQUESTED RECORDS ARE
FORWARDED ON OR BEFORE THE DATE OF THE SCHEDULED
DEPOSITION.**

Respectfully submitted,
The Plaintiff,
By his attorneys,

FINNERAN, BYRNE &
DRECHSLER, L.L.P.,



James E. Byrne, Esq.

BBO#: 068560

Jonathan E. Tobin, Esq.

BBO# 641509

Eastern Harbor Office Park
50 Redfield Street

Boston, MA 02122

Tel. (617) 265-3900

DATE: September 30, 2004

CERTIFICATE OF SERVICE

I, Jonathan E. Tobin, Esq., attorney for the Plaintiff, hereby certify that a copy of the foregoing **Notice of Taking Deposition** has this day been forwarded via first-class mail, postage prepaid to the following counsel of record:

David Barry, Esq.
Sugarman, Rogers, Barshak & Cohen, P.C.
101 Merrimac Street
Boston, MA 02114



Jonathan E. Tobin, Esq.

Dated: September 30th, 2004

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MICHAEL WATSON, INDIVIDUALLY,
AND AS FATHER AND NEXT FRIEND OF
JOHN WATSON,

Plaintiffs,

v.

PARTNER INDUSTRIAL PRODUCTS,

Defendant.

CIVIL ACTION
NO: 04-11782 DPW

Michael Watson
DOB: 8/15/70
DOI: 12/5/01
SSN: 012-64-0780

Schedule A

You are requested to appear and produce the following documents:

1. The accident investigation file for the injury to Michael Watson that occurred on December 5, 2001, while he was working for Modern Continental on the Central Artery Tunnel Project (Contract C17A1).
2. All documents relating to the injury to Michael Watson including, but not limited to, color photographs of the electric chop saw involved in the accident, color photographs of the accident scene and color photographs of Mr. Watson's injury. (This office will agree to pay the reasonable cost of making color copies of the photographs).
3. Any statements taken regarding the accident in which Mr. Watson was injured on December 5, 2001.
4. The complete investigation file of Dave Hendrickson, the AIG agent who investigated the accident, including but not limited to, all color photographs. (This office will agree to pay the reasonable cost of making color copies of photographs).

5. The complete investigation file of John Balboni, the Modern Continental Safety Inspector who investigated the accident, including but not limited to, all color photographs. (This office will agree to pay the reasonable cost of making color copies of photographs).
6. The chop saw involved in the December 5, 2001 accident.
7. All documents that relate the chain of custody of the chop saw that was involved in the December 5, 2001 accident.